

AMENDED IN ASSEMBLY JANUARY 4, 2006

AMENDED IN ASSEMBLY MAY 2, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1381

Introduced by Assembly Member Nunez

February 22, 2005

An act to amend ~~Section 51796 of~~ Sections 51795, 51796, 51797, and 51798 of, and to add Section 51796.5 to, the Education Code, and to amend Section 40507 of the Public Resources Code, relating to school gardens.

LEGISLATIVE COUNSEL'S DIGEST

AB 1381, as amended, Nunez. School instructional gardens: pupil nutrition.

(1) Existing law establishes the Instructional School Gardens Program for the promotion, creation, and support of instructional school gardens by eligible educational agencies, as defined. Existing law requires that the program be administered by the State Department of Education through the allocation of one-time grants and technical assistance to applicant eligible education agencies. Existing law authorizes the department to consult with the Integrated Waste Management Board and public institutions of higher education, regarding curriculum development and evaluation of any program established pursuant to the Instructional School Gardens Program.

This bill instead would require the Integrated Waste Management Board to administer the program, in consultation with the State Department of Education, the Department of Food and Agriculture, and the State Department of Health Services. This bill would align the program with the statewide environmental program. This bill would

provide that educational agencies interested in participating in the Instructional School Gardens Program apply to the board for funding. This bill authorizes the board to establish an advisory group involving other agencies and groups with expertise in instructional school gardens, to provide technical assistance, resources, in-kind support, site visits, and other related forms of support.

This bill would require educational agencies applying for funding to provide the goals and objectives for their instructional school garden and a plan detailing how they plan to meet the goals and objectives. This bill would limit the use of funding for the program to costs directly related to implementing the instructional school garden and would prohibit the use of more than 5% of the funding awarded for administrative costs.

(2) Existing law requires the Integrated Waste Management Board to give preferential consideration during its annual discretionary grant funding process to providing an appropriate level of funding to the program.

This bill instead would establish the Instructional School Garden Account within the State Treasury and would permit the board to expend money from the account upon appropriation by the Legislature. This bill would allow the board to accept and receive funding and other contributions from federal, state, and local sources as well as from public and private organizations and individuals. This bill would permit proceeds from court judgments that have been designated for instructional programs or instructional school gardens to be included within the account. This bill also would authorize the board to accept nonmonetary contributions. This bill would require the transfer of \$100,000 each year for 5 years from the Integrated Waste Management Account into the Instructional School Garden Account.

(3) Existing law provides that the program will be implemented only if funds are available for it.

This bill would specify that the funding necessary for implementation is the funding received by the board and included within the Instructional School Garden Account.

(4) Existing law requires the board to file annual progress reports with the Legislature regarding specified programs that the board undertakes, including, but not limited to, the public education program.

This bill would add a report on the status and effectiveness of the Instructional School Gardens Program to the required reports.

This bill would also delete an obsolete reference and would make other, nonsubstantive changes.

~~Existing law establishes the Instructional School Gardens Program for the promotion, creation, and support of instructional school gardens by eligible educational agencies, as defined.~~

~~Existing law requires that the program be administered by the State Department of Education through the allocation of one-time grants and technical assistance to applicant eligible education agencies.~~

~~Existing law authorizes the department to consult with the Integrated Waste Management Board, among others, regarding curriculum development and evaluation of any program established pursuant to the Instructional School Gardens Program.~~

~~This bill would delete this reference to the Integrated Waste Management Board.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 51795 of the Education Code is*
2 *amended to read:*

3 51795. The Legislature finds and declares all of the
4 following:

5 (a) ~~School-garden projects~~ *gardens* provide an interactive,
6 hands-on learning environment ~~to teach~~ *in which students learn*
7 composting and waste management techniques ~~and the~~
8 ~~fundamental nutrition concepts embodied in the Dietary~~
9 ~~Guidelines for Americans and to, fundamental concepts about~~
10 *nutrition and obesity prevention, and the cultural and historical*
11 *aspects of our food supply. School gardens also* foster a better
12 understanding and appreciation of where food comes from, how
13 ~~it gets food travels~~ from the farm to the table, and the important
14 role of agriculture in the state, national, and global economy.

15 (b) ~~Encouraging and supporting a garden in every~~ school
16 ~~gardens~~ creates opportunities for children to *learn to* make
17 healthier food choices, participate more successfully in their
18 education experiences, and develop a deeper appreciation of ~~both~~
19 their community ~~and each other~~.

1 (c) ~~Garden~~ School garden programs can equally enhance any
2 subject area including science, environmental education, math,
3 reading, writing, art, *nutrition*, physical education, history, and
4 geography. ~~As California continues to strive toward improved~~
5 ~~pupil performance, the garden project provides~~ *School gardens*
6 *provide a unique method through which it setting in which*
7 *improved pupil performance can be achieved.*

8 **SECTION 1.**

9 *SEC. 2.* Section 51796 of the Education Code is amended to
10 read:

11 51796. (a) The Instructional School Gardens Program is
12 hereby established for the promotion, creation, and support of
13 instructional school gardens by eligible educational agencies
14 *through the allocation of funding to eligible educational*
15 *agencies.* The program shall be administered by the ~~department~~
16 ~~through the allocation of grants to applicant eligible education~~
17 ~~agencies and the provision of technical assistance to eligible~~
18 ~~education agencies.~~ *The department may consult with any*
19 *appropriate public institution of higher education regarding*
20 *curriculum development and regarding the evaluation of any*
21 *program established pursuant to this article* *Integrated Waste*
22 *Management Board, in consultation with the State Department of*
23 *Education, the Department of Food and Agriculture, and the*
24 *State Department of Health Services. This program shall be*
25 *aligned with the statewide environmental education program*
26 *established pursuant to Part 4 (commencing with Section 71300)*
27 *of Division 34 of the Public Resources Code.* Any eligible
28 education agency interested in participating in the Instructional
29 School Gardens Program may apply to the ~~department for a~~
30 ~~one-time grant~~ *board for funding.*

31 (b) *In implementing this article, the board may establish an*
32 *advisory group involving other agencies and groups with*
33 *expertise in instructional school gardens, including, but not*
34 *limited to, the California Environmental Education Interagency*
35 *Network. The purpose of the advisory group is to support*
36 *program efforts through technical assistance, resources, in-kind*
37 *support, site visits, and other related efforts.*

38 (c) *On or before March 1, 2008, and annually thereafter, the*
39 *board shall report to the Legislature and the Governor on its*

1 *progress in implementing this article in its annual report*
2 *pursuant to Section 40507 of the Public Resources Code.*

3 *(d) For the purposes of this article, “board” means the*
4 *Integrated Waste Management Board.*

5 ~~(b)–~~

6 *(e) For purposes of this article, “eligible educational agency”*
7 *means any school district or county office of education.*

8 ~~(e) The Legislature recognizes the educational value and the~~
9 ~~nutritional value realized by the pupils who participate in the~~
10 ~~program established pursuant to this article. The Legislature also~~
11 ~~recognizes the program’s value in educating pupils with respect~~
12 ~~to healthy eating habits, healthy activities, and important life~~
13 ~~skills. It is the intent of the Legislature that the State Department~~
14 ~~of Education continue to work in consultation with the State~~
15 ~~Department of Health Services and also with the Department of~~
16 ~~Food and Agriculture in order to continue to develop the program~~
17 ~~established pursuant to this section.~~

18 *SEC. 3. Section 51796.5 is added to the Education Code, to*
19 *read:*

20 *51796.5. (a) The board shall establish a program to provide*
21 *funding to eligible educational agencies to assist in the*
22 *development and implementation of instructional school garden*
23 *programs.*

24 *(b) In order to be considered for funding, eligible educational*
25 *agencies are required to provide the goals and objectives for*
26 *their instructional school garden, as well as an action plan for*
27 *how the goals and objectives are to be carried out, including the*
28 *grade level or grade levels to be targeted.*

29 *(c) Funding shall be used for costs directly related to the*
30 *implementation of the instructional school garden.*
31 *Administrative overhead costs shall not exceed 5 percent of the*
32 *total funding awarded.*

33 *SEC. 4. Section 51797 of the Education Code is amended to*
34 *read:*

35 ~~51797. During its annual discretionary grant funding process,~~
36 ~~the California Integrated Waste Management Board shall give~~
37 ~~preferential consideration to providing an appropriate level of~~
38 ~~funding to the program established pursuant to this article.~~

39 *(a) The Instructional School Garden Account is hereby*
40 *established within the State Treasury. Moneys in the account*

1 may, upon appropriation by the Legislature, be expended by the
2 board, for the purposes of this article. The board shall
3 administer this article, including, but not limited to, the account.

4 (b) Notwithstanding any other provision of law to the
5 contrary, the board may accept and receive federal, state, and
6 local funds and contributions of funds from a public or private
7 organization or individual. The account may also receive
8 proceeds from a judgment in state or federal court when the
9 funds are contributed or the judgment specifies that the proceeds
10 are to be used for the purposes of this part, including, but not
11 limited to, those funds, contributions, or proceeds from
12 judgments that are specifically designated for use for school
13 garden purposes. Private contributors shall not have the
14 authority to further influence or direct the use of their
15 contributions.

16 (c) The board shall immediately deposit any funds contributed
17 pursuant to subdivision (b) into the account.

18 (d) The board shall also accept nonmonetary contributions.

19 (e) The board shall transfer one hundred thousand dollars
20 (\$100,000) annually for five years from the Integrated Waste
21 Management Account, established pursuant to Section 48001 of
22 the Public Resources Code, into the account.

23 SEC. 5. Section 51798 of the Education Code is amended to
24 read:

25 51798. This article shall be implemented only if funds
26 become available from private donations, special fund money, ~~or~~
27 federal money, or any combination thereof, for the purposes of
28 this article, pursuant to Section 51797.

29 SEC. 6. Section 40507 of the Public Resources Code is
30 amended to read:

31 40507. (a) On or before March 1 of each year, the board shall
32 file an annual report with the Legislature highlighting significant
33 programs or actions undertaken by the board to implement
34 programs pursuant to this division during the prior calendar year.
35 The report shall include, but is not limited to, the information
36 described in subdivision (b).

37 (b) Commencing January 1, 1997, the board shall file annual
38 progress reports with the Legislature covering the activities and
39 actions undertaken by the board in the prior fiscal year. The
40 board shall prepare, and may electronically file with the

1 Legislature, the progress reports throughout the calendar year, as
2 determined by the board, on the following programs:

- 3 (1) The local enforcement agency program.
- 4 (2) The research and development program.
- 5 (3) The public education program.
- 6 (4) The market development program.
- 7 (5) The used oil program.
- 8 (6) The planning and local assistance program.
- 9 (7) The site cleanup program.

10 (c) The progress report shall specifically include, but is not
11 limited to, all of the following information:

12 (1) Pursuant to paragraph (1) of subdivision (b), the status of
13 the certification and evaluation of local enforcement agencies
14 pursuant to Chapter 2 (commencing with Section 43200) of Part
15 4.

16 (2) Pursuant to paragraph (2) of subdivision (b), all of the
17 following information:

18 (A) The results of the research and development programs
19 established pursuant to Chapter 13 (commencing with Section
20 42650) of Part 3.

21 (B) A report on information and activities associated with the
22 establishment of the Plastics Recycling Information
23 Clearinghouse, pursuant to Section 42520.

24 (C) A report on the progress in implementing the monitoring
25 and control program for the subsurface migration of landfill gas
26 established pursuant to Section 43030, including
27 recommendations, as needed, to improve the program.

28 (D) A report on the comparative costs and benefits of the
29 recycling or conversion processes for waste tires funded pursuant
30 to Chapter 17 (commencing with Section 42860) of Part 3.

31 (3) Pursuant to paragraph (3) of subdivision (b), all of the
32 following information:

33 (A) A review of actions taken by the board to educate and
34 inform individuals and public and private sector entities who
35 generate solid waste on the importance of source reduction,
36 recycling, and composting of solid waste, and recommendations
37 for administrative or legislative actions which will inform and
38 educate these parties.

39 (B) A report on the effectiveness of the public information
40 program required to be implemented pursuant to Chapter 12

1 (commencing with Section 42600) of Part 3, including
2 recommendations on administrative and legislative changes to
3 improve the program.

4 (C) A report on the status and effectiveness of school district
5 source reduction and recycling programs implemented pursuant
6 to Chapter 12.5 (commencing with Section 42620) of Part 3,
7 including recommendations on administrative and legislative
8 changes to improve the program's effectiveness *of the program*.

9 (D) A report on the effectiveness of the integrated waste
10 management educational program and teacher training plan
11 implemented pursuant to Part 4 (commencing with Section
12 71300) of Division 34, including recommendations on
13 administrative and legislative changes ~~which~~ *that* will improve
14 the program.

15 (E) *A report on the status and effectiveness of the Instructional*
16 *School Gardens Program implemented pursuant to Article 8.5*
17 *(commencing with Section 51795) of Chapter 5 of Part 28 of the*
18 *Education Code.*

19 ~~(E)~~

20 (F) A summary of available and wanted materials, a profile of
21 the participants, and the amount of waste diverted from disposal
22 sites as a result of the California Materials Exchange Program
23 established pursuant to subdivision (a) of Section 42600.

24 (4) Pursuant to paragraph (4) of subdivision (b), all of the
25 following information:

26 (A) A review of market development strategies undertaken by
27 the board pursuant to this division to ensure that markets exist for
28 materials diverted from solid waste facilities, including
29 recommendations for administrative and legislative actions
30 ~~which~~ *that* will promote expansion of those markets. The
31 recommendations shall include, but not be limited to, all of the
32 following:

33 (i) Recommendations for actions to develop more direct
34 liaisons with private manufacturing industries in the state to
35 promote increased utilization of recycled feedstock in
36 manufacturing processes.

37 (ii) Recommendations for actions ~~which~~ *that* can be taken to
38 assist local governments in the inclusion of recycling activities in
39 county overall economic development plans.

1 (iii) Recommendations for actions to utilize available financial
2 resources for expansion of recycling industry capacity.

3 (iv) Recommendations to improve state, local, and private
4 industry product and material procurement practices.

5 (B) Development and implementation of a program to assist
6 local agencies in the identification of markets for materials that
7 are diverted from disposal facilities through source reduction,
8 recycling, and composting pursuant to Section 40913.

9 (C) A report on the Recycling Market Development Zone
10 Loan Program conducted pursuant to Article 3 (commencing
11 with Section 42010) of Chapter 1 of Part 3.

12 (D) A report on implementation of the Compost Market
13 Program pursuant to Chapter 5 (commencing with Section
14 42230) of Part 3.

15 (E) A report on the progress in developing and implementing
16 the comprehensive Market Development Plan, pursuant to
17 Article 2 of Chapter 1 (commencing with Section 42005) of Part
18 3.

19 (F) The number of retreaded tires purchased by the
20 Department of General Services during the prior fiscal year
21 pursuant to Section 42414.

22 (G) The results of the study performed in consultation with the
23 Department of General Services pursuant to Section 42415 to
24 determine if tire retreads, procured by the Department of General
25 Services, have met all quality and performance criteria of a new
26 tire, including any recommendations to expand, revise, or curtail
27 the program.

28 (H) The number of recycled lead-acid batteries purchased
29 during the prior fiscal year by the Department of General
30 Services pursuant to Section 42443.

31 ~~(I) A list of established price preferences for recycled paper~~
32 ~~products for the prior fiscal year pursuant to paragraph (1) of~~
33 ~~subdivision (c) of Section 12162 of the Public Contract Code.~~

34 ~~(J)~~

35 (I) A report on the implementation of the white office paper
36 recovery program pursuant to Chapter 10 (commencing with
37 Section 42560) of Part 3.

38 (5) Pursuant to paragraph (5) of subdivision (b), ~~both~~ all of the
39 following information:

1 (A) A report on the annual audit of the used oil recycling
2 program established pursuant to Chapter 4 (commencing with
3 Section 48600) of Part 7.

4 (B) A summary of industrial and lubricating oil sales and
5 recycling rates, the results of programs funded pursuant to
6 Chapter 4 (commencing with Section 48600) of Part 7,
7 recommendations, if any, for statutory changes to the program,
8 including changes in the amounts of the payment required by
9 Section 48650 and the recycling incentive, and plans for present
10 and future programs to be conducted over the next two years.

11 (6) Pursuant to paragraph (6) of subdivision (b), all of the
12 following information:

13 (A) The development by the board of the model countywide or
14 regional siting element and model countywide or regional agency
15 integrated waste management plan pursuant to Section 40912,
16 including its effectiveness in assisting local agencies.

17 (B) The adoption by the board of a program to provide
18 assistance to cities, counties, or regional agencies in the
19 development and implementation of source reduction programs
20 pursuant to subdivision (c) of Section 40912.

21 (C) The development by the board of model programs and
22 materials to assist rural counties and cities in preparing city and
23 county source reduction and recycling elements pursuant to
24 Section 41787.3.

25 (D) A report on the number of tires that are recycled or
26 otherwise diverted from disposal in landfills or stockpiles.

27 (E) A report on the development and implementation of
28 recommendations, with proposed implementing regulations, for
29 providing technical assistance to counties and cities that meet
30 criteria specified in Section 41782, so that those counties and
31 cities will be able to meet the objectives of this division. The
32 recommendations shall, among other things, address both of the
33 following matters:

34 (i) Assistance in developing methods of raising revenue at the
35 local level to fund rural integrated waste management programs.

36 (ii) Assistance in developing alternative methods of source
37 reduction, recycling, and composting of solid waste suitable for
38 rural local governments.

39 (F) A report on the status and implementation of the “Buy
40 Recycled” program established pursuant to subdivision (d) of

1 Section 42600, including the waste collection and recycling
2 programs established pursuant to Sections 12164.5 and 12165 of
3 the Public Contract Code.

4 (7) Pursuant to paragraph (7) of subdivision (b), a description
5 of sites cleaned up under the Solid Waste Disposal and
6 Codisposal Site Cleanup Program established pursuant to Article
7 2.5 (commencing with Section 48020) of Chapter 2 of Part 7, a
8 description of remaining sites where there is no responsible party
9 or the responsible party is unable or unwilling to pay for cleanup,
10 and recommendations for any needed legislative changes.

O